

Message Text

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ACTION L-03

INFO OCT-01 IO-14 ISO-00 ACDA-19 SCA-01 DPW-01 AF-10

ARA-16 EA-11 EUR-25 NEA-10 RSC-01 NSA-02 CIAE-00

DODE-00 PM-07 H-03 INR-10 NSC-07 PA-04 PRS-01 SPC-03

SS-20 USIA-15 DRC-01 /185 W
----- 130824

R 181439Z MAR 74

FM USMISSION GENEVA

TO SECSTATE WASHDC 4688

INFO USMISSION USUN NEW YORK

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E.O. 11652: N/A

TAGS: PARM ICRC

SUBJECT: LAWS OF CONFERENCE -- DRAFT TERMS OF REFERENCE FOR
JUNE EXPERTS MEETING ON WEAPONS

REF: GENEVA 1739

AS PROMISED PARAGRAPH 4 REFTEL HERE IS TEXT OF DRAFT
TERMS OF REFERENCE FOR ICRC SPONSORED MEETING ON EXPERTS
WHICH IS SCHEDULED FOR JUNE OF THIS YEAR. DRAFT HAS BEEN
WORKED OUT INFORMALLY AMONG SWEDISH, CANADIAN, GERMAN AND
U.S. DELEGATIONS. WE EXPECT TO GIVE IT PRIVATELY TO ICRC BY
END OF THIS WEEK AND URGE ICRC TO FOLLOW IT IN WHATEVER
DOCUMENT IT ISSUES FOR THE EXPERTS CONFERENCE.

BEGIN TEXT:

"THE GOVERNMENT EXPERT CONFERENCE, BEARING IN MIND THE
EARLIER STUDIES ON CONVENTIONAL WEAPONS, INCLUDING THE
REPORTS BY THE SECRETARY-GENERAL OF THE UNITED NATIONS
ON NAPALM AND OTHER INCENDIARY WEAPONS (UN DOC A/8803/
REV.) AND ON EXISTING RULES OF INTERNATIONAL LAW CON-
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CERNING THE PROHIBITION OR RESTRICTION OF USE OF SPECIFIC

WEAPONS (UN DOC A/9215), AND THE REPORT ISSUED BY THE ICRC ON WEAPONS THAT MAY CAUSE UNNECESSARY SUFFERING OR HAVE INDISCRIMINATE EFFECTS, WOULD:

1. UNDERTAKE A PRELIMINARY DISCUSSION AND ANALYSIS OF CRITERIA IN THE LIGHT OF WHICH THE PROHIBITION OR RESTRICTION ON USE OF CATEGORIES OF CONVENTIONAL WEAPONS WILL BE ASSESSED, E.G. THE CRITERIA OF "UNNECESSARY SUFFERING" AND "INDISCRIMINATENESS" AND "TREACHEROUSNESS" AND THE QUESTION WHETHER OTHER CRITERIA CAN BE DEVELOPED.

2. EXAMINE THE CATEGORIES OF CONVENTIONAL WEAPONS WHICH MIGHT BE CONSIDERED FOR PROHIBITION OR RESTRICTION OF USE, INCLUDING:

- INCENDIARY WEAPONS,
- FRAGMENTATION WEAPONS AND FLECHETTES,
- HIGH VELOCITY SMALL ARMS AMMUNITION,
- TIME DELAY WEAPONS, AND
- POTENTIAL WEAPONS DEVELOPMENTS.

3. WITH RESPECT TO EACH CATEGORY OF CONVENTIONAL WEAPONS THE DISCUSSION SHOULD COVER THE FOLLOWING:

A. BRIEF DESCRIPTION OF THE VARIOUS WEAPONS WITHIN THE CATEGORY.

B) MILITARY UTILITY AND EFFECTS OF THE VARIOUS WEAPONS, INCLUDING THEIR FUNCTIONAL INTERRELATIONSHIP WITH OTHER WEAPONS AND WEAPONS SYSTEMS, AND POSSIBLE ALTERNATIVE WEAPONS AND THE IMPLICATIONS OF THEIR USE.

C) HOW ACCURATE ARE THE VARIOUS WEAPONS AND HOW GREAT ARE THE DANGERS OF THEIR AFFECTING CIVILIANS AND COMBATANTS ALIKE?

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D) MEDICAL EFFECTS OF THE VARIOUS WEAPONS, INCLUDING THE DEGREE OF SUFFERING OR INJURY INFLICTED BY THEM.

E) ASSESSMENT OF THE VARIOUS WEAPONS IN THE LIGHT OF APPLICABLE CRITERIA AND THE FACTS BROUGHT FORWARD, E.G. DO THEY CAUSE UNNECESSARY SUFFERING, ARE THEY INDISCRIMINATE IN THEIR EFFECTS OR ARE THEY TREACHEROUS?

F) TECHNICAL, OPERATIONAL AND LEGAL PRACTICABILITY OF
PROHIBITIONS OR RESTRICTIONS OF THE USE OF THE WEAPONS AND
THE FORM ANY SUCH PROHIBITIONS OR RESTRICTIONS MIGHT TAKE."

END TEXT.DALE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: INTERNATIONAL LAW, WAR, ARMS, MEETINGS, MEETING REPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 18 MAR 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974GENEVA01753
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740336/aaaabhoc.tel
Line Count: 120
Locator: TEXT ON-LINE
Office: ACTION L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: GENEVA 1739
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 17 JUN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <17 JUN 2002 by boyleja>; APPROVED <27 JUN 2002 by morefirh>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LAWS OF CONFERENCE -- DRAFT TERMS OF REFERENCE FOR JUNE EXPERTS MEETING ON WEAPONS
TAGS: PARM, ICRC
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005